Ø 001

## Knobbe Martens Olson & Bear LLP

intellectual Property Law

**JAN 2 3** 2008 2040 Main Street Fourteenth Floor Irvine, CA 92614 Tel 949-760-0404 Fax 949-760-9502 www.kmob.com

#### FACSIMILE TRANSMITTAL SHEET

#### CONFIRMATION COPY WILL FOLLOW VIA:

Mail	WILL NOT FOLLOW
INTERNATIONAL AIRMAIL	HAND DELIVERY
COURIER	WITH ENCLOSURES
E-MAIL	WITHOUT ENCLOSURES

#### Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited,

To:

Examiner, Te Y. Chen

FIRM:

United States Patent and Trademark Office

FACSIMILE NO.:

(571) 273-8300

OUR REF.:

ISIL.001A

YOUR REF .:

FROM:

Art S. Rose

OPERATOR:

Kimberly Oliver

No. Of Pages: 3

(incl. cover sheet)

DATE:

January 23, 2008

TIME: 2:30 p.m.

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY

OPERATOR PHONE No.: (949) 760-0404

FACSIMILE No.: (949) 760-9502

**MESSAGE:** 

San Diego

San Francisco

Los Angeles

Riverside

San Luis Obispo

Washington, DC 202-6<u>40</u>-6400

### RECEIVED CENTRAL FAX CENTER

**2**002

JAN 2 3 2008

Approved for use through 10/31/2007, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form								
Application No.: 10/007,003 Examiner: Te Y. Chen	icant: Patel, et a	Patel, et al. Status of Application: Pending						
Tentative Participants: (1) Te Y. Chen (2) SPE - Mofit Apu								
(3) Group Director (4) Art Rose, Amy Chun & Michael Erickson As soon as convenient								
As so Proposed Date of Interview: for ex	Proposed Ti	Proposed Time:						
Type of Interview Requested: (1) [X] Telephonic (2) [ ] Personal (3) [ ] Video Conference								
Exhibit To Be Shown or Demonstr If yes, provide brief description:								
Issues To Be Discussed								
Issues Claims/ (Rej., Obj., etc) Fig. #s	Prior	Discussed	Agreed	Not Agreed				
(1)	Art	[]	[]					
(2)		[]	[]	[]				
(3)		[]	[]	[]				
(4)		[]	[]	[]				
Brief Description of Arguments to be Presented: Please See Attached								
Please See Attached				<del> </del>				
An interview was conducted on the above-identified application on  NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).  This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.  Applicant Applicant's Representative Signature  Examiner/SPE Signature								
Art S. Rose Typed/Printed Name of Applicant of 28,038 Registration Number, if app	r Representative	Exter	imor/or a orgi	atur C				

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing; and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trackenarth Office, U.S. Department of Commerce, P.O. Box 1450. Alcundria, VA 22313-1450. DO NOT SEND THES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 2 3 2008

# Application No. 10/007,003 (Patel, et al.) Filed November 9, 2001

SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM UTILIZING METADATA TO TRACK INFORMATION ABOUT DATA STORED THROUGHOUT THE SYSTEM

## PROPOSED INTERVIEW AGENDA

Teleconference, January 2008

- A. We request help to understand how the Evans reference anticipates each and every claim element. Evans is the same reference used by the Examiner in the previous Office Action as the basis for an obviousness rejection, in which the Examiner expressly stated that Evans does not disclose "that the allocator module distributes the claimed subject matters across the storage modules."
- B. Furthermore, we would like to discuss the fact that Evans is not even in the same area as the claimed invention because Evans teaches multicast data distribution over a network, and the claimed invention is a distributed, file-based storage system
- C. Finally, we would like to discuss the <u>136-page declaration</u> that was filed in response to the Examiner's 103 obviousness rejection based on Evans, to which declaration the Examiner provided no response.

INFORMAL PRE-APPEAL CONFERENCE REQUESTED: WE REQUEST THAT THE GROUP DIRECTOR AND SPE EXAMINE THIS ISSUE BEFORE APPLICANT EXPENDS SIGNIFICANT TIME AND RESOURCES TO APPEAL THIS CASE. APPLICANT IS CONCERNED THAT, AFTER THE EXPENSE OF PREPARING AN APPEAL BRIEF, THE REJECTION WILL BE WITHDRAWN AND ANOTHER EQUALLY MERITLESS REJECTION WILL BE ASSERTED.